

INTRODUCTION

TOWARDS A SCOTTISH POLITICS

This is the third volume in our series of *Yearbooks of Scottish Government*. It is jointly dedicated to Professor John P. Mackintosh, MP, and to Councillor Geoff Shaw. John Mackintosh was the Chairman of The Unit for the Study of Government in Scotland for the six months before his untimely death. Those of us who worked with him in Edinburgh University were delighted with the way John put his back into the work of the Unit. He gave it some of his great vitality and now he is gone. We are pleased to dedicate this *Yearbook* to John and to include a brief appreciation of his work both as politician and academic, prepared as we went to press by Professor Bernard Crick. The *Yearbook* is also dedicated to Councillor Geoff Shaw who was Convener of Strathclyde Region, and one of the most respected and well-liked public servants in Scotland until his death in 1978. We are happy to publish an appreciation of Geoff Shaw by his friend the Secretary of State for Scotland, the Rt. Hon. Bruce Millan, MP. Either John Mackintosh or Geoff Shaw could have led the Scottish Assembly with distinction. Our public life will be diminished without them.

This volume in our series is also the book for the year — 1979 — which will, very possibly, be the most significant in Scottish political and constitutional history for a long time. Perhaps it is appropriate then, to reflect here on the nature and direction of Scottish politics.

The main thing which strikes us, as observers of Scottish politics and government, and as editors of this *Yearbook*, is the discontinuity within Scottish politics. Despite the arguments of James Kellas (*The Scottish Political System*, 1973) "system" is precisely what Scottish politics lacks. Perhaps it is foolish to expect system in British institutions; but Scottish political life carries the normal British flair for *ad hoc* arrangements to an extreme. Scottish politics find expression in a series of practices and institutions some of which have been thought out in relation

to each other, but most not. It is a collection of parts of governmental agencies which operate *in* Scotland (such as the Scottish Region of British Rail); and governmental agencies *for* Scotland (such as the Scottish Arts Council); and governmental agencies which *include* Scotland in their remit (such as the Department of Energy). Some of these agencies are directly controlled by the British government (like the last named); many are directly controlled by no elected body but rather by an appointed board (like British Rail or the Board of Governors of the BBC); some are local governments of parts of Scotland. Sometimes these institutions are distinctively Scottish (like the Scottish legal system) and sometimes they are unique to Scotland (like the Highlands and Islands Development Board). But often they are simply Northern copies of an English agency. The operations of too many of these agencies are unknown — if not secret — and one of the things we are trying to do in our *Yearbooks* is open them up to scrutiny.

Sometimes the British government, which directly controls some of the agencies of government in Scotland and which importantly affects them all, has the same political colour as the majority of Scottish MPs; but sometimes it does not. Opinion polls tell us that the Scottish people don't particularly like this state of affairs; they like it rather less than people from other parts of Britain; but on the other hand they don't seem to want to increase their own control over government very much. They don't want it nearly so much as they want lower rates of unemployment or inflation. In 1979, Scotland may get a form of devolved government which will go some way towards tying the various parts of government in Scotland and the wishes of the Scottish electorate more closely together. If this change has the desired effect, then Scotland will be substantially closer to having a political system.

It would be wrong for us to use this introduction to argue in favour of or in opposition to the Government's proposals. We have published papers in the *Yearbooks* both for and against the plans. But it would be remiss of us not to draw attention to the changes which the proffered Assembly will bring about if, as we have consistently expected, it is created. It is more than conceivable that the first elections to the Assembly will occur in the autumn of 1979, and that the newly elected Assembly members will take office shortly thereafter. It is unfortunate

that no definite description of the Assembly's powers has been published nor even a list of those parliamentary seats which will have three Assemblymen. We have given our own estimates on these two questions in the Reference Section.

One effect of the Assembly will be to call into question the need — or if one likes, the continued need — for so many *ad hoc* and appointed agencies of government. The existence and powers of such agencies (quasi-autonomous non-governmental agencies or QUANGOs as they are often called) has been mentioned by us before. We have argued that at least some of the powers given to such bodies as the Scottish Development Agency, the Housing Corporation and the Countryside Commission for Scotland, might have been given to elected local authorities. One argument against our previous position has always been that these agencies operate on an all-Scottish basis. No one local authority represents all of Scotland. The new all-Scottish Assembly will undermine that argument.

Nevertheless, it is not denied that at present there are a large number of *ad hoc* and appointed bodies and they exercise considerable power. We publish this year a paper by Sir Douglas Haddow in which he discusses some of them. So little is generally known about them that we hope Sir Douglas's piece will help to guide discussion. As this paper demonstrates, the tasks of the agencies differ considerably. Of itself this will make the job of democratisation — if that is what the Assembly chooses to do — complicated and difficult. On the other hand, Sir Douglas's paper points to some features of the *ad hoc* agencies which could certainly do with public scrutiny. They tend, amongst other things, to acquire a life of their own and to be impossible to abolish even after their tasks have been completed or outmoded. Professor Flinn's paper about *The Scottish Arts Council* raises other questions. Flinn points out that the Scottish Arts Council is required to make public reports of its activities each year. To this extent it is publically accountable. But some public bodies in which the public has a legitimate interest (he mentions, for example, the Convention of Scottish Local Authorities) operate under no such requirement.

Last year's book noted the fear of many in local government that the Assembly would take an uncomfortably close interest in the affairs of local councils to the point where the councils would lose what initiative they currently retain. Professor Flinn in-

dicates that some *ad hoc* agencies harbour a similar fear. It is a real enough possibility. The Assembly was not created in order to make life intolerable for existing agencies, but once created it may look around for things to do. Public finance for the arts is difficult enough to handle when those responsible for handing out the money are sympathetic people. How could less well informed people make judgements between the various proposals? Would less well disposed people put a high priority on arts spending at all? Certainly the job of the Scottish Arts Council has been made more difficult recently by the refusal of some local authorities to maintain the value of their grants. Democracy has its drawbacks — with the coming of the Assembly we may be about to see some of them.

Both Sir Douglas, and Dorothy Bochel and Morag MacLaran in their paper on *Local Health Councils*, mention the complexity of the present organisation of the health service in Scotland. But they come at the problem from different points of view. Bochel and MacLaran are concerned that the local health councils, the voice of the consumer in the health service, have so little authority. They point out that this part of the recent reform of the health service has had limited success.

John Waterhouse's paper on *Penal Policy in Scotland* makes an interesting contrast. He argues for the creation of an appointed body of experts to advise the Secretary of State on penal policy and argues convincingly that the dearth of innovation in penal policy for Scotland owes something to the lack of such a panel to lobby the Secretary of State. But if we have to create appointed bodies of experts to generate the political will for reform, is that not a considerable indictment of public politics and existing interest groups?

In our last *Yearbook*, Robin Cook, MP, suggested that the liberalisation of Scottish law — in relation to divorce, homosexuality, and so on — had been impeded not so much by the inherent failures of the Westminster system, as by the feebleness and ineptitude of the Scottish pressure groups. In this volume Peter Gibson takes issue with him. Using the passage of the *Housing (Homeless Persons) Act 1977* as an example, Gibson shows that one needs to distinguish between the operations of various Scottish pressure groups. There are some, like those built around the Churches and established professional groups, which are well organised and financed. Others, including most of the

newer voluntary groups such as Shelter and Scottish Women's Aid, find the going hard. They are simply not in a position to finance a London office or meet the cost of sending a representative — let alone a team of representatives — to London to work on the administration or Parliament. Another way of putting this, of course, is that some interest groups are powerful enough to have some of their leaders co-opted into the system as members of *ad hoc* or appointed agencies. It is those which are not — like Shelter and Women's Aid — which need help.

Jim Hunter is the author of *The Making of the Crofting Community* (1976). This background gives his account of the recent change in crofting legislation special authority. Hunter's verdict on the effects of the *Crofting Reform (Scotland) Act 1976*, is not flattering to its creators. He argues that it was ill conceived and has had almost no effect. The interesting and, for anyone who feels strongly about this, supremely emotional issue, the infuriating thing about this Act, was that it was framed by the Scottish Office for a Conservative administration. It was passed into law by the succeeding Labour government in the face of a decision by the Scottish Council of the Labour Party, that crofting land should pass into public ownership. Hunter thinks that the Government should have listened to its party. The failure of the Government to respond to the wishes of its party — and the response in this case is not unique — shows one of the weaknesses of the discontinuous sort of government we now have in Scotland. Whether the parties will receive a more positive response from their governments if an Assembly comes, remains to be seen.

If, however, we are to place any confidence in the democratic process — as opposed to the appointment process — we need high votes at elections. One of the strongest complaints against the old system of local government which was replaced in 1975 was that too few seats were contested and that the turnout of voters in the contested seats was very low. In the years immediately preceeding the reform, the average vote in Scotland in contested wards could be as low as 35%. In the first elections under the new system higher turnouts were achieved. But, as John Bochel and David Denver point out in their paper on *The Regional Council Elections of May 1978* we seem to be returning to the bad old days. The proportion of people who voted at these recent elections was noticeably down from the

previous (1974) Regional elections; and it was lower than for the 1977 District elections. If the electors refuse to vote — for whatever reason — the Councillors or Assembly members elected will have less weight when they attempt to stand up to the appointed officials of *ad hoc* agencies.

It is perhaps as well to remember that we do not yet have an Assembly. This is no mere quibble, for the Conservative Party in Scotland has at last come out unequivocally for a “No” vote in the referendum on devolution. If a Conservative government is returned at the next General Election that government might delay the referendum or otherwise contrive to dampen expectations such that the Assembly never comes to be. Jim Naughtie points out in his paper on *The Scotland Bill in the House of Commons* that the Conservatives’ slow shuffle away from their previous commitment to devolution was one reason for their lackluster performance against the Bill in the House of Commons. Naughtie’s paper makes an interesting contrast with the paper by John Kerr we published last year about *The Scotland and Wales Bill*. Kerr spoke of the lack of will on the Government’s side; this year Naughtie shows that, led by John Smith, the Government knew what it wanted and got it. It was the anti-devolutionists, particularly the Conservative anti-devolutionists, who knew what they were against but not what they were for, who lost out. Naughtie is able to point to the increasing confidence and authority of John Smith, Minister of State in the Privy Council Office, as the debate wore on. He won the respect of many — just as, indeed, Lord McCluskey won much respect for his championing of the same Bill through the House of Lords. This makes quite a change from last year when all the arguments were being won by the anti-devolutionists.

All of the papers in this year’s *Yearbook* which concern themselves with specific public policies relate to policies over which the Assembly will have much control. As it happens, we have no papers this year about the Scottish economy and the Government’s attempts to control it. In this year of the Assembly, however, that gap is perhaps justified. The Assembly will have no influence over the Scottish economy. It will have no tax-raising powers and will need the consent of the Secretary of State for every money borrowing decision it makes.

It remains for Neil Williamson who has written a paper for us, *Ten Years After — The Revolutionary Left in Scotland* to

raise the questions of unemployment and inflation. In his paper Williamson points out that the revolutionary Left has failed to take advantage of the anguish created by these problems just as surely as governments have failed to deal with them. One thing one can normally expect from the Left, however, is a critique of the operations of government. Thus, the fact that the Left are interested in the economic failures of government, rather than, say, the problems of QUANGOs is a reminder that government machinery is there to provide services for the country; not simply to operate smoothly. It is also revealing in this context to repeat Williamson’s observation that there is hardly a Scottish Left — but rather that there is a Left in Scotland. The Left is not devolved; neither does it think devolution an important problem.

The Assembly’s lack of economic powers points to the fact that this addition to the political machinery of Scotland will still leave gaps. Scottish politics will be less fragmented than once they were; but they will hardly form a fully developed system. The Assembly will have no power over those government subjects which, as opinion poll after opinion poll shows, are of greatest interest to the citizens. It will have no control over inflation or unemployment. If Scottish politics is becoming more systematic, it is still very far from being a distinct or — to use a loaded word — a separate system.

In this edition of the *Yearbook* we have made a special effort to make our Reference Section more useful. We are presenting here a series of both factual and analytical appendices on the operation of government in Scotland. In particular, we have tried to indicate which of the Scottish Office’s present responsibilities will be devolved and which will not. We are grateful to Richard Parry who has taken on the task of editorial assistant and prepared these Appendices for us. We are also, as always, grateful to Chris Allen for the patient and careful labour he has put into the preparation of the Bibliographical Appendix, *Recent Publications in Scottish Government and Politics*. W. J. A. Macartney has also provided us with a valuable guide to the results of major political opinion polls in Scotland since the October 1974 General Election.

When the first *Yearbook of Scottish Government* was launched by Edinburgh University’s Unit for the Study of

Government in Scotland, we were determined to keep it broadly based. One of the advantages of politics in a small country is that it is possible for people to talk to each other across the boundaries of profession and party. Thus we are particularly proud of the fact that of this year's nine papers, three are written by people who practise what they are preaching; three are written by academics who have made a special study of the area they are writing about; and three are written by journalists who are experts in their subjects.

When the *Yearbook* was launched it was edited by Michael Clarke and Henry Drucker. Shortly before this, Michael Clarke had left Edinburgh University for the Policy Planning Unit of Lothian Region and we were very pleased to have his help as someone uniquely able to bridge the gap between the academic world and the world of public administration. Unfortunately, the demands on his time inside Lothian Region have made it impractical for Michael to continue editing the *Yearbook*. He will, however, remain in close touch with the book and has advised us on this year's selections and already produced some suggestions for next year. We wish to record our thanks to him for helping to launch the series. Careful readers of past *Yearbooks* will remember that Nancy Drucker was referred to as a copy editor. In fact she was a full participating editor in all but name. It seemed only fair to end this exclusion. The Scottish Government Unit has agreed to make her a full editor of the *Yearbook*.

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